Supreme Court, U.S.
FILED
89
(1) 071245 JAN 15 2008
OFFICE OF THE CLERK

No.

In The
SUPREME COURT of the UNITED STATES

EDWARD FELLIN, MICHELE FELLIN, d/b/a EDDIE'S LAWN AND LANDSCAPING & t/a EDDIE'S LAWN SERVICE a/k/a EDDIE'S LAWN CARE, Petitioners

v.

HAZLE TOWNSHIP ZONING HEARING BOARD, TOWNSHIP OF HAZLE LUZERNE COUNTY, PA, RIDGEWOOD DEVELOPMENT, AND INTERVENORS ROWLANDS, Respondents

On Petition for Writ of Certiorari
To The Supreme Court of Pennsylvania

PETITION FOR WRIT OF CERTIORARI

Cynthia S. Ray, Esquire
Counsel for Petitioners
Attorney I.D. #61936
121 Carbon Street; POB 49
Weatherly, PA 18255
(570)427-9817
E-mail: raylaw@ptd.net

QUESTION PRESENTED FOR REVIEW

A. Is the Pennsylvania Courts' rulings concerning Pennsylvania Rule of Court Pa.R.A.P. Rule 1925(b) in violation of the Petitioners' Equal Protection and Due Process Rights under the United States Constitution, in that the Rule states that an Appellant shall "file of record in the lower court and serve on the trial judge a Concise Statement of Matters Complained of On the Appeal no later than 14 days after entry " of such an Order from the Trial Court, or the failure to so file may be considered as a waiver of all issues on appeal, and in this case, Petitioners did file the Statement with the Court (two days early), but the record did not reflect that the Trial Judge was served within the 14 days period, when other Pennsylvania Decisions have held that the rule cannot be enforced against an Appellant when the docket does not reflect that a copy of the Trial Court's 1925(b) Order was served upon the Appellant (which the docket did not reflect that Petitioners were served), and other rules and definitions hold that the "Trial Judge" and the "Court" are one and the same, is Petitioners' treatment in this case manifestly unfair to their rights to appeal, as compared to others similarly situated, especially when the alleged error is unprejudicial and de minimus, that Petitioners have lost valuable property rights?

LIST OF PARTIES

[x] All parties appear in the caption of the case on the cover page.

[ ] All parties do not appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

TABLE OF CONTENTS

OPINIONS BELOW 1
JURISDICTION..... 3
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED 4
STATEMENT OF THE CASE 5
REASONS FOR GRANTING THE WRIT 7
CONCLUSION 17

INDEX TO APPENDICES

APPENDIX A - Commonwealth Court Opinion ..18
APPENDIX B - PA Supreme Court Order 20
APPENDIX C - PA Supreme Court Order 21
APPENDIX D - Docket Entries 22
APPENDIX E - Rule of Judicial Administration for Luzerne County..... 25

TABLE OF AUTHORITIES CITED

CASES

Commonwealth v. Castillo, ___ Pa. ___ A.2d, 888 A.2d 775 (2005) 13

Commonwealth v. Holtzapfel, __ A.2d ___ (Pa. Cmwlth., No. 1735 C.D. 2005, filed April 4, 2006. 12

Com. v. Joki, 330 Pa.Super 406, 479 A.2d 616 (1984) 10

Commonwealth v. Schofield, ___ Pa. ___, 888 A.2d 771 (Pa. 2005) 12, 13

In re: Campaign Expense Reports of Corignani, 873 A.2d 790 (Pa. Cmwlth 2005)..... 12, 13

In re: L.M., 2007 Pa. Super 120 (No. 1065 EDA 2006) (Filed May 1, 2007) 7, 8

Ross v. Moffit, 417 U.S. 600, 41 L. Ed.2d 341, 94 S. Ct 2437 7

United National Insurance Company v. France Refractors Co., 558 Pa. 409, 737 A.2d 738 (1999) 10

STATUTES AND RULES

15 Pa.C.S.A. § 1903(b) 14

15 Pa.C.S.A. § 5903 15

15 Pa.C.S.A. § 8302 15

18 Pa.C.S.A. § 103 14

34 Pa.C.S.A. § 102 14

42 Pa.C.S.A. § 102 14

42 Pa.C.S.A. § 6304 (c) 14

42 Pa.C.S.A. § 9702 15

42 Pa.C.S.A. § 9802 15
42 Pa.C.S.A. § 9903 15
Pa.R.A.P. Rule No. 105(a) 9,16
Pa.R.A.P. Rule No. 902 9,13,16
Pa.R.A.P. Rule No. 1114 10
Pa.R.A.P. Rule No. 1925(b).....5,8,9,11,12,13,15
Pa.R.C.P. Rule No. 406 10

OTHER

U.S.Constitution, Amendment 5 4,7
U.S.Constitution, Amendment 14 §1 4,7
Blacks Law Dictionary 6th Ed. 15
Pa. Sup. Ct. Operating Procedure 5(A)(3) 10

OPINIONS BELOW

[X] For cases from state courts:

The opinion of the highest state court to review the merits (the Commonwealth Court of Pennsylvania) appears, at Appendix A to the petition and is

[ ] reported at _____;

or

[ ] has been designated for publication but is not yet reported; or

[x] is unpublished

There is no opinion of the State Trial Court

[ ] reported at _____;

or

[ ] has been designated for publication but is not yet reported; or

[ ] is unpublished.

The decision of the Pennsylvania State Supreme Court denying Allocatur appears at Appendix B to the petition and is

[ ] reported at _____;

or

[ ] has been designated for publication but is not yet reported; or

[x] is unpublished

The decision of the Pennsylvania State Supreme Court denying Reconsideration appears at Appendix C to the petition and is

[ ] reported at _____;

or

[ ] has been designated for publication but is not yet reported; or

[x] is unpublished.

JURISDICTION

[X] For cases from state courts:

The date on which the highest state court decided my case was May 02, 2007

A copy of that decision appears at Appendix B.

[x] A timely petition for reconsideration was thereafter denied on October 17, 2007, and a copy of the order denying rehearing appears at Appendix C.

The jurisdiction of this court is invoked under 28 U.S.C. §1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

A. U.S.Constitution, Amendment 5

In pertinent part: "No person shall ... , without due process of law ...".

B. U. S. Constitution, Amendmant 14 § 1

"No State shall make or enforce any law which shall abridge the privileges or immunities of Citizens of the United States, nor shall any State deprive any person of life, liberty or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

STATEMENT OF THE CASE

The Commonwealth Court of PA granted Respondent Rowlands' (who are neighbors to Petitioners)Motion to Quash Appeal, even though Petitioners filed their 1925(b) statement in a timely manner, in fact two days early. This matter stems from a Zoning Appeal, timely filed on November 2, 2004, where Petitioners appealed from a Zoning Hearing Board decision which upheld an Enforcement Notice, basically shutting down their lawn care business ran for years with a prior court decision in their favor.

The Supreme Court of PA, by its Order of May 02, 2007 denied Appellants' Petition for Allowance of Appeal.

The sole issue the Petitioners raise now is "*When a Rule 1925(b) Statement is timely filed with the Prothonotary of the Lower Court, but the record fails to indicate that said Statement was served on the trial judge as well, are all issues waived on appeal?*"

Petitioners operated a lawn care business from their home for may years, and have relied upon that business for their income, and in fact, Mr. Fellin quit his "regular" job. On July 09, 1996, Hazle Township issued an Enforcement Notice to the Petitioners Fellin for the exact same use and activities contained in the 2003 Enforcement Notice (at issue now), and there was a full hearing

on the merits on September 25, 1996. On September 25, 1996 the Zoning Hearing Board rendered its decision, and denied the Fellins' Appeal. However, on September 22, 1997, the Court of Common Pleas reversed the ZHB, and sustained the Fellins' Appeal. Thereafter, the Township even refunded the Fellins' fees paid for the ZHB matter. Also, on the township issued Appellants business permits and Appellants did work for the township at this location for about seven years before the second action was filed.

REASONS FOR GRANTING THE PETITION

In Ross v. Moffit, 417 U.S. 600, 41 L. Ed.2d 341, 94 S. Ct 2437, this court noted that the issues for a state high court include whether the issues presented are of significant public interest or whether the decision below is in probable conflict with the high court's precedent.

The U.S. Constitution, Amendment 5 states in pertinent part: "No person shall ... , without due process of law ...". Further, made applicable to the States via the U. S. Constitution, Amendment 14 § 1, "No State shall make or enforce any law which shall abridge the privileges or immunities of Citizens of the United States, nor shall any State deprive any person of life, liberty or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

We put forth that the Pennsylvania decisions are against the high court's precedent, and of such significance because the result denies a litigant the ability to pursue an appeal, which in this case, deprives the Petitions of property rights of their livelihood (the lawn care business) due to an inconsistent ruling with a devastating result, over a trivial and vague rule of court.

On May 1, 2007 the Superior Court of PA handed down the decision of In re: L.M., 2007 Pa. Super 120 (No. 1065 EDA 2006) (Filed May 1,

2007), that held that an appellant's appeal could not be quashed for failure to file a 1925(b) statement where the trial court docket does not note that the 1925(b) statement was served upon the appellant. The Court specifically stated that "If the docket does not show that the notice of the entry of a Rule 1925(b) order was provided to an appellant, then we will not conclude that the appellant's issues have been waived for failure to file a Rule 1925(b) statement. Id. (Emphasis Ours).

Attached to the Appellees' Motion to Quash, was a Certified Copy of the Docket entries, certified on April 12, 2006. A true and correct copy of the Certified Docket Entries is attached hereto, and made a part hereof, and is marked as Appendix D. The Trial Court's 1925(b) Order in question was dated February 23, 2006, yet there is no docket entry for an Order on that date. The closest entry for an Order is February 27, 2006, and there is no note in the docket that the order was provided or served upon the appellant! Therefore, for this reason alone, there is intervening circumstance of substantial and controlling effect, that a Reconsideration should be granted! In In re: L.M., Id., the Appellant filed no 1925(b) statement at all. In the case *sub justice*, Appellant did file the statement with the court in a timely fashion, only the record did not indicate that it was served upon the trial judge.

Further, Petitioners submit that the denial of their Appeal, effects a result which produces an archaic and inane result, in that because they cannot rightly pursue their zoning appeal, intervening circumstances of substantial and

controlling effect are that they are singled out in their community as the only persons in the lawn care business who cannot legally operate in said community, which violates their Federal civil rights.

Petitioners also submit that the denial of their Petition for Allowance of Appeal, and denials below, proved to make meaningless, Pennsylvania Rules of Appellate Procedure 105 and 902, as follows:

1. Pa.R.A.P. Rule 105(a) states: "These rules shall be liberally construed to secure the just, speedy and inexpensive determination of every matter...". How can there possibly be a liberal construction when Appellant did file his 1925(b) statement in a timely fashion, and in fact filed it two days early, yet the Motion to Quash was still granted?

2. Pa.R.A.P. Rule 902 states: "Failure of an appellant to take any step other than the timely filing of a notice of appeal does not affect the validity of the appeal, but is subject to such action as the appellate court deems appropriate, which may include, but is not limited to, remand of the matter to the lower court so that the omitted procedural step may be taken. The issue at hand is clearly a procedural step, that should have been remanded for correction - not to do so produces an unfair and unjust result! The only just result is to remand this case for the procedural step to be taken, which, is only prejudicial to Petitioners as they did file the 1925(b) statement with the court on time, and there is no prejudice that can be shown on the part of Respondents. The PA Supreme Court granted an Application for

Reconsideration of Denial of Allowance of Appeal to remand a matter back to the lower court in United National Insurance Company v. France Refractors Co., 558 Pa. 409, 737 A.2d 738 (1999) to conduct evidentiary hearing as to why a transcript was missing.

Further, this denial is not only inconsistent with other Rules of Appellate Procedure as above, but is inconsistent with the very principles of the necessity of "prejudice" in our jurisprudence. For example, Pa.R.P. Cr. P. Rule 406 states that: "Within 5 days after a [criminal] citation is issued to the defendant, the citation shall be filed with the proper issuing authority." However, should the Commonwealth fail to do so, the penalty for the Commonwealth is not dismissal, rather, the Defendant must show prejudice in order for there to be a dismissal.

An excellent example of the doctrine of "prejudice" can be found in Com. v. Joki, 330 Pa.Super 406, 479 A.2d 616 (1984) where the Superior court stated: "A common tenet of our legal system is that ***form should not be exalted over substance.***" (Emphasis Ours) In that case, a zoning officer filed a complaint rather than a citation as required by former Criminal Rule 51, and the court found significant that the Defendant incurred no prejudice.

Petitioner cited Pa.R.A.P. Rule 1114, note (1), "Where the appellate court below has decided a question of substance not therefore determined by the Supreme Court. Also, Pa. Sup. Ct. Operating Procedure 5(A)(3), in that the question presented is of first impression in this court, and of such substantive public importance as

to request prompt and definitive resolution by this question. In all other cases, as cited above, have been cases where the 1925(b) statement was *not* filed with the court. The PA Supreme Court has not decided a case where the 1925(b) statement was timely filed, but the record does not reflect that it was served upon the trial judge. ***This issue is of such substantive public importance because it directly affects an appellant's appeal rights.***

The decision below, and as relied upon by the PA Commonwealth Court, unfairly puts the Appellant out of court, where PA State Statutes Purdon's is filled with examples of definitions which say that the court and the trial judge are one and the same - thus filed a 1925(b) Statement with the court is the same as filing it with the judge, and should not be deemed fatal to the appeal. The actions of the Commonwealth Court are tantamount to denying the Petitioners their appeal rights when the Rule 1925(b) Statement ***was timely filed with the trial court***, and in fact, filed 2 days early.

The Trial Court Order for the 1925(b) Statement was dated February 23, 2006, and not filed until February 27, 2006, yet not mailed to the undersigned until March 02, 2006. As evidenced by the time-stamp on the Matters Complained of on Appeal , the 1925(b) Statement was filed on March 7, 2006, well within the requisite 14 days. There is more argument for prejudice based upon the court's actions of delay as Appellant is only afforded 14 days in which to file the Statement.

By Order of May 10, 2006, the Commonwealth Court granted Movants' Motion to Quash Appeal. By Order of May 30, 2006, the

Commonwealth Court denied Movants' Petition for Reconsideration.

The said Order specifically stated as the reason for the grant of the Motion to Quash, citing the "bright-line" rule as delineated in Commonwealth v. Schofield, ___ Pa. ___, 888 A.2d 771 (2005); and Commonwealth v. Holtzapfel, ___ A.2d ___ (Pa.Cmwlth., No. 1735 C.D.2005, filed April 4, 2006).

The Order also cites Commonwealth v. Schofield, 888 A.2d 771 (Pa. 2005), however, the issue of that case was that the 1925(b) Statement was not time-stamped, not "***filed of record***" with the trial court, and was not contained in the certified record. That case is inapplicable as it does not involve a situation where the records shows that the 1925(b) Statement was timely filed, but not served upon the trial Judge.

Next, the said Order cites Commonwealth v. Holtzapfel, ___ A.2d ___ (Pa.Cmwlth., No. 1735 C.D.2005, filed April 4, 2006). Again, said case is inapplicable to the instant fact scenario, as the Rule 1925(b) statement ***was untimely filed*** with the Lower court, and was several weeks late. There was no mention whether the Statement was served upon the judge.

Respondents below cited in the Motion to Quash In re: Campaign Expense Reports of Corignani, 873 A.2d 790 (Pa. Cmwlth 2005), a Motion to Quash was filed because Appellants failed to timely serve the Notice of Appeal, and ***did not timely file the 1925(b) statement at all.***

In Commonwealth v. Holtzapfel, ___ A.2d ___ (Pa.Cmwlth., No. 1735 C.D.2005, filed April 4, 2006), the Court quotes what it obviously saw as

relevant portions of bench-mark cases on this matter. Particularly, on the sixth page of the Opinion, it states:

> In two recent companion cases, our Supreme Court announced a bright-line rule concerning the filing of 1925 Statements. See Commonwealth v. Castillo, ___ Pa. ___ A.2d, 888 A.2d 775 (2005); Commonwealth v. Schofield, ___ Pa. ____, 888 A.2d 771 (Pa. 2005). Pursuant to Castillo and Schofield, if an appellant fails to comply with a trial court order ***by filing*** a timely Concise Statement of Matters Complained of on Appeal as required by Pa. R.A.P. 1925, all issues are waived. ***(Emphasis ours)***

The focus or issue of all of these cases was the ***filing*** with the lower court, not service upon the trial judge.

In In re: Campaign Expense Reports of Corignani, 873 A.2d 790 (Pa. Cmwlth 2005), the court held that Pa.R.C.P. Rule 902 provides that "failure of an appellant to take any step other than timely filing a Notice of Appeal does not affect the validity of an appeal." Also, it stated that "failure to file a proof of service within a definite time period will not affect the validity of the appeal." It also held that the trial court was not prejudiced by the delay. In the case *sub justice*, however, there is absolutely no averment or cause for prejudice in any way to the court or to any party.

The PA Commonwealth's decision in this matter does unjustly affect the Appellants' appeal rights in violation of Pa.R.C.P. Rule 902, and thus is inconsistent therewith, especially with no

prejudice.

There are many strong reasons for this court to hold that the court and the trial judge are one and the same, meaning that the filing of the 1925(b) Statement with the court is filing it with the judge, including state statutes which so defines them:

A. 42 Pa. C.S.A. § 102. Definitions states that the "COURT" includes any one or more of the ***judges***...

B. 42 Pa. C.S.A. § 102. Definitions states that a 'TRIBUNAL" is a court, magisterial district judge or other judicial officer..... (42 Pa. C.S.A. § 102. Definitions states that a "JUDICIAL OFFICER" is a judge....)

C. 42 Pa. C.S.A. § 6304(c). Definitions states that the "COURT" is the court of common pleas ***or*** a judge thereof.

D. 34 Pa. C.S.A. § 102. Definitions states that a Magisterial District Judge includes a *court* of the minor judiciary (again making the judge and the court synonymous)

E. 18 Pa. C.S.A. § 103 states that a court includes a magisterial district judge (again making another legislative intent to show that the court and the person wearing the robe are one and the same)

F. 15 Pa. C.S.A. § 1903(b) uses the terms "court or judge" as if one.

G. 15 Pa. C.S.A. § 5903 uses the connector "or" between court and judge showing the legislatures intent that they be treated as one.

H. 15 Pa. C.S.A. § 8302 uses the connector "and" between court and judge in a similar manner.

F. 42 Pa. C.S.A. § 9702 defines the court as to include a magisterial district judge.

G. 42 Pa. C.S.A. § 9802 defines the court as the trial judge.

H. 42 Pa. C.S.A. § 9903 defines the court as the trial judge.

I. According to Black's Law Dictionary, Sixth Edition, a "judge" is the officer appointed to preside and administer the law in court. Also according to Black's, "judge" and "court" are often used synonymously.

J. It is a long-standing understanding that the trial judge does not issue Orders or Opinions - ***the Court does.*** Likewise, the court does not wear the robe, the judge does, but it is the judge's signature at the bottom of the order. When a document is filed with the Court in a timely manner, it is absurd to say that is insufficient. ***This situation should not be as fatal as not filing the 1925(b) Statement at all!***

The trial Court entered its Order for the Rule 1925(b) Statement on February 23, 2006. To

say that the Statement was not filed with the judge, is to say that it was not filed with the court, where it clearly, and unequivocally was.

Rule of Judicial Administration for Luzerne County (Attached as Appendix " E ") gives the judge free and unmonitored access to the official records in the Court.

Since the judge for all real purposes *is* the court, and further when the same "judge" or "court" asked for the Statement within 14 days, would be outrageous to argue that the ordering court did not expect same to be filed.

Pa.R.A.P. Rule 105(a) states that these rules shall be liberally construed to secure the just, speedy and inexpensive determination of every matter..... The outcome in the case renders said rule meaningless. Further, Pa.R.A.P. Rule 902 states that the failure of an appellant to take any step other than the timely filing of a notice of appeal does not affect the validity of the appeal. In a case where there is a missed step in the filing of the appeal, it is customary for the appellate for to remand that portion back to the appellant to complete the missed step. In the case here, the fair and just recourse would be to merely instruct the Appellant to serve another copy (which had already been done in this case), not to issue the death penalty.

CONCLUSION

For the aforementioned reasons, the Petitioners respectfully requests this Honorable Court to grant the writ of certiorari.

RESPECTFULLY SUBMITTED:

Cynthia S. Ray, Esquire
Attorney for Petitioner
Attorney I.D. #61936

Date: March 21, 2008

A\CRIM\PELLIN.USSUPREME

APPENDIX A

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

NO. 568 C.D.2006

APPEAL OF EDWARD FELLIN et al, FROM DECISION OF HAZLE TOWNSHIP ZONING HEARING BOARD DATED OCTOBER 04, 2004. NO. 3056 EDA 2000

Appellant

ORDER

AND NOW, this 10th day of May, 2006, following argument on Motion of David H. Rowlands, et al to quash the above-captioned appeal, said motion is GRATNED. In Commonwealth v. Schofield, ___ Pa. ___, 888 A.2d 771 (2005), our Supreme Court confirmed the bright-line rule announced in prior cases, concluding that failure to comply with the "minimal requirements" of Pa.R.A.P. 1925(b) will result in automatic waiver of the issues raised. Specifically, the Supreme Court noted that the rule requires that an appellant "file of record in the lower court and serve on the trial judge a concise statement ..." ___ Pa. at ___, 888 A.2d at 774. Recently, this Court interpreted Schofield as a requirement that an appellant file the statement "of record in the lower court" *as well as serve it on*

the trial judge. Commonwealth v. Holtzapfel, ___ A.2d ____ (Pa. Cmwlth., No. 1735 C.D. 2005, filed April 4, 2006. Accordingly, we are constrained to agree that the failure to timely serve the trial judge results in waiver of all issues and therefore grant the motion to quash.[1]

The request for further costs, counsel fees and damages for delay is DENIED.

/S/ Barry F. Feudale, Senior Judge

Certified from the Record May 11, 2006

---

[1] Although our disposition does not require us to reach Rowland's alternative grounds for quashing the appeal, we note that we would not have quashed the appeal for failure to request a transcript or failure to file the bond.

APPENDIX B

In the Supreme Court of Pennsylvania
Middle District

NO. 467 MAL 2006

IN RE: PETITION OF EDWARD AND MICHELE FELLIN et al.
FROM THE DECISION OF THE HAZLE TOWNSHIP ZONING HEARING BOARD DATED OCTOBER 4, 2004.

ORDER

PER CURIAM

AND NOW, this 2nd day of May, 2007, the Petition for Allowance of Appeal is hereby DENIED.

APPENDIX C

In the Supreme Court of Pennsylvania
Middle District

NO. 467 MAL 2006

**IN RE: PETITION OF EDWARD AND MICHELE FELLIN et al.
FROM THE DECISION OF THE HAZLE TOWNSHIP ZONING HEARING BOARD DATED OCTOBER 4, 2004.**

ORDER

PER CURIAM

AND NOW, this 17th day of October, 2007, the Application for Reconsideration of the Petition for Allowance of Appeal is DENIED.

the: 18th day of January, 2005, a5t 9:30 a.m. at the Luzerne County courthouse, Courtroom #3rd Floor, time: 9:30 a.m. Rule Returnable sec. Leg. Sec. Reg.
BY THE COURT: MUNDY H. J.
L.S.

8. Now, Jan. 18, 2005, Stipulation for Entry of Order to Intervene, Filed.

9. Now, Jan. 18, 2005, Stipulation for Entry of Order to Intervene, Filed.

10. January 20, 2005, ORDER, FILED.
And Now, this 19th day of January, 2005, at 8:30 a.m., upon presentation by the parties to their stipulation which permits and allows the petitioning parties, David H. Rowlands, and Stacy J. Rowlands, h/w, to become lawful intervening parties to the within action, it is hereby ordered and decreed that the petitioners herein shall be interveners in this land use appeal, with full rights to intervene and participate herein as lawful parties in interest.

/s/ HUGH F. MUNDY, J.

11. Answer to Land Use Appeal, Filed Feb. 11, 2005.

AS OF 2-11, 2005, SEE ELECTRONIC DOCKET.

9001	Certificate of Service	5/4/2005 3:51.03 am
9002	Petition	9/9/2005 10:22:26 am
9003	Rule to Show Cause	9/9/2005 10:22:01 am
9004	Brief	9/9/2005 12:26:27 pm
9005	Petition	9/13/2005 12:25:52pm

9006	Exhibits	9/13/2005 12:27:51 pm
9007	Rule Returnable	9/13/2005 12:25:10 pm
9008	Brief	9/23/2005 10:36:58 am
9009	Petition	9/23/2005 10:39:18 am
9010	Rule to Show Cause	9/23/2005 10:38:57am
9011	Certificate of Service	9/23/2005 10:40:02am
9012	Answer	9/23/2005 10:41:06am
9013	Appeal to Appellate Court	2/21/2006 11:54:02am
9014	Certificate of Service	2/21/2006 11:56:27am
9015	Other	3/7/2006 10:57:26 am
9016	Order	2/27/2006 3:58:52 am
9017	Answer	1/18/2005 10:56:08am
9018	Brief	11/18/2005 10:06:03am
9020	Order	1/20/2006 3:08:50 pm

APPENDIX E

RULE 507. COURT RECORDS

A. The prothonotary, clerk of court and register of wills shall be responsible for the safekeeping of records in their respective offices. No person other than an office employee, judge, an attorney admitted to practice in Pennsylvania, or persons designated by a judge may have unsupervised access to records. All records, except records under seal or impounded by order of court or operation of law, shall be available for public inspection during regular business hours. Unless otherwise directed by the court, copies of notes of testimony shall be procured from the court reporter as authorized by the Rules of Judicial Administration. The term copy includes any form of reproduction including the use of data, disks, electronic transmittal or facsimile. Unless prohibited by order or rule of court or operation of law copies of papers other than notes of testimony shall be available to the public for a reasonable fee.